

portion is a region of said image.

34. The imaging system of claim 28 wherein said image system associating is storing said non-closed loop portion on recording media of said imaging device.

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35. The imaging system of claim 28 wherein said non-closed loop portion is used at the basis to define a closed-loop portion of said at least one image.

36. The imaging system of claim 28 wherein said at least one image is said obtained substantially contemporaneously with said non-closed loop portion.

REMARKS

Claim 9 has been amended for ease of readability.

The Examiner rejected claims 1-18 under 35 U.S.C. 112, second paragraph, as being indefinite. In particular, the Examiner is unclear what the phraseology of a non-closed loop entails.

In the background of the present application, at page 4 lines 21-33, the applicant stated that one technique used to extract information from an image is to

perform interactive segmentation by providing semi-automatic object outlining. The user assists the system by indicating with a pointer or box the exterior contour of the object of interest. In particular, this requires a closed loop area and not merely a general region of the image where the object is located. In other words, for that particular system to define a region of interest, an exterior contour must be drawn from a starting point to an ending point around the object to define a region therein bounded by the contour. Another example of a closed loop region is a rectangle which defines a region therein.

As a matter of simple illustration to assist the Examiner, exhibit A illustrates lines drawn thereon defining closed loop portions. In contrast, exhibit B illustrates a line or multiple points drawn thereon defining non-closed loop portions. See generally the applicant's application at page 9, lines 1-15.

It is submitted that this clarification for the benefit of the Examiner as to a distinction between closed loop and non-closed loop will assist the Examiner in his understanding and examination of this case. In view of the foregoing clarification, it is respectfully submitted that the rejection based on indefiniteness is overcome.

The Examiner rejected claims 1-18 under U.S.C. Section 102(e) as being anticipated by Yamasaki. Yamasaki generally relates to a moving body detection device for use with a video camera that includes a gazing point moving member. The Examiner asserts that the eye gaze system taught by Yamasaki determines a non-closed loop portion of the image. Further, the Examiner asserts that the several regions s1-s4 are non-closed loop. Based upon the aforementioned discussion regarding closed loop

versus non-closed loop, it is apparent that Yamasaki teaches that the gazing point shown in FIG. 2A is a single point, the moving body detection zone of FIGS. 2B and 2C are closed loop, and the detection areas s1, s2, s3, and s4 are likewise closed loop.

Claims 1 and 12 have been amended to patentably distinguish over Yamasaki by claiming an eye gaze system associated with the imaging device that determines a non-closed loop portion including multiple points of the at least one image that an eye of a viewer observes. In addition, there would be no modification to modify Yamasaki to incorporate a non-closed loop portion including multiple points because this would provide no benefit for a video tracking system.

Yamasaki teaches the use of gaze information together with a video camera to facilitate object tracking. The gaze information is used to initially identify the object to be tracked. Yamasaki does not analyze the content of the image itself based on the eye gaze information, nor does Yamasaki suggest that an eye gaze system may be incorporated for use with images from a still image camera because the purpose of which is not object tracking.

Claims 2-5, 7-11 depend from claim 1 and are patentable for the same reasons asserted for claim 1. Claims 13-15 and 17-18 depend from claim 12 and are patentable for the same reasons asserted for claim 12.

Claim 19 patentably distinguishes over Yamasaki by claiming the use of the eye gaze system together with at least one of a film based still image camera and a digital based still image camera. Claims 20-27 depend from claim 19 and are patentable

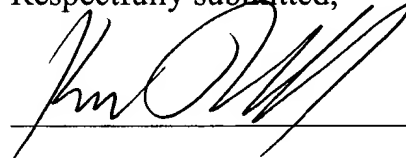
for the same reasons asserted for claim 19.

Claim 28 patentably distinguishes over Yamasaki by claiming the identification of the content represented by the image together with said on-closed loop portion. Yamasaki merely defines a bounding box for an object to be tracked based on the initial location of the gaze point, but fails to identify the content represented by the image itself based on the gaze information.

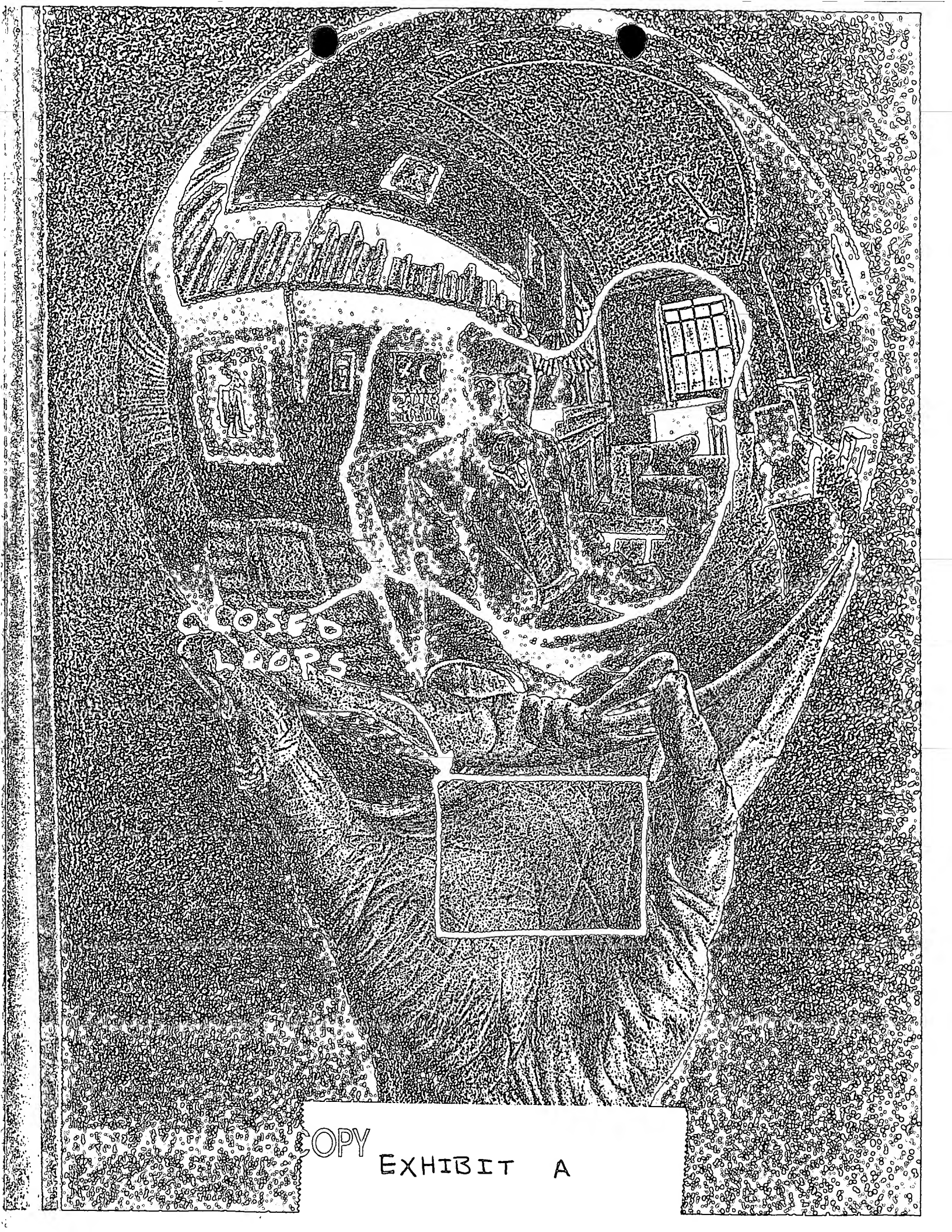
Claims 29-36 depend from claim 28 and are patentable for the same reasons asserted for Claim 28.

Based upon the foregoing amendments and remarks, the Examiner is respectfully requested to reconsider the application and pass it promptly to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kevin L. Russell', is written over a horizontal line.

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EXHIBIT A



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EXHIBIT B